

REMARKS

In response to the Office Communication mailed November 19, 2008, Applicants respectfully request reconsideration. The Office Communication noted that Applicants have suggested an interference pursuant to 37 C.F.R. §41.202(a).

I. Claim Amendments/Status of Claims

Claims 1-70, 73, 80, 93, 94, 126-165, 174-322, and 324 previously were cancelled without prejudice or disclaimer. Applicants reserve the right to file one or more related (e.g., continuation) applications to pursue prosecution of any claims cancelled during prosecution of this application.

In this paper, claims 71-72, 74-79, 81-92, 95-125, and 166-173 additionally have been canceled without prejudice or disclaimer. Applicants believe that none of these claims corresponds to the proposed count. Applicants intend to re-file these claims in a separate continuation application to pursue further prosecution. Applicants respectfully note that claims 71-72, 74-79, 81-92, 95-125, and 166-173 were indicated as allowed in an Office Action mailed October 18, 2007.

In this paper, claims 323 and 325-334 also have been canceled without prejudice or disclaimer. No other claims have been canceled, amended, or added.

As a result, only seven claims, namely claims 335-341 (of which 335 and 337 are independent claims), remain pending in the present application, and are being designated as corresponding to the proposed count. In an Office Action mailed October 18, 2007, claims 335-341 were indicated as allowed. Claims 335-341 were first introduced in the present application in Applicants' reply of January 19, 2006. None of these claims has been amended since its introduction.

II. Comments on Office Communication mailed November 19, 2008

In the Office Communication mailed November 19, 2008, it was suggested that claim 323 appeared to conflict with the interfering claims. This issue is moot, as claim 323 has been cancelled without prejudice or disclaimer.

The Office Communication also suggests that Applicants should review whether the “associating” and “determining” steps of claim 335 are described in the count (which as proposed corresponds to claim 337). Applicants submit that the “mapping” step of claim 337 corresponds essentially to the “associating” step of claim 335, and that the “sampling” step of claim 337 corresponds essentially to the “determining” step of claim 335. Hence, Applicants submit that claim 335 is described by the count.

As noted in Applicants’ communication dated February 28, 2008, claims 335, 336 and 338-341 are believed to be obvious over the proposed count (i.e., claim 337). The November 19, 2008 Office Communication suggests that Applicants should provide a claim chart comparing and showing how the claims are obvious for each count, citing to 37 CFR §41.202(a)(2) and MPEP §2304.02(b). Applicants respectfully disagree.

37 CFR §41.202(a)(2) requires that Applicants “identify all claims the applicant believes interfere, propose one or more counts, and show how the claims correspond to one or more counts.” MPEP §2304.02(b) further specifies that:

The applicant must identify at least one patentable claim from every application or patent that interferes for each count. A count is just a description of the interfering subject matter, which the Board of Patent Appeals and Interferences uses to determine what evidence may be used to prove priority under 35 U.S.C. 102(g)(1).

The examiner must confirm that the applicant has (A) identified at least one patentable claim, (B) identified at least one patentable claim from each party for each count, and (C) has provided a claim chart comparing at least one set of claims for each count. The examiner need not agree with the applicant's suggestion. The examiner's role is to confirm that there are otherwise patentable interfering claims and that the formalities of 37 CFR 41.202 are met.

Accordingly, there is no requirement in either 37 CFR §41.202(a)(2) or MPEP §2304.02(b) for Applicants to provide a claim chart “comparing and showing how the claims are *obvious* for each count” (emphasis added), as requested by the November 19, 2008 Office Communication.

In Applicants’ communication dated February 28, 2008, Applicants indicated that they seek an interference with U.S. Patent No. 7,113,196 (hereinafter “the ‘196 patent”), which issued on September 26, 2006, and that all claims of the ‘196 patent (claims 1-7) interfere with pending

claims 335-341 in the present application. Applicants proposed the method of claim 337 of the present application as the count, i.e.:

Count

A method for illuminating a housing of a computing system, the computing system having a screen display, said method comprising:

- providing illuminable regions to the housing around and adjacent the screen display;
- mapping illuminable regions of the housing to regions of the screen display;
- sampling regions of the screen display to acquire color indicators; and
- colorizing the illuminable regions of the housing in accordance with the acquired color indicators mapped thereto in order to extend the feel of the screen display to the housing, said colorizing including illuminating the illuminable regions with light from one or more light elements located at each of the illuminable regions of the housing.

Accordingly, Applicants have satisfied requirement (A) of MPEP §2304.02(b) (i.e., identifying at least one patentable count).

Applicants further specified that claim 337 of the present application and claim 3 of the '196 patent correspond identically to the count, thereby satisfying requirement (B) of MPEP §2304.02(b) (i.e., identifying at least one patentable claim from each party for each count). Applicants further provided a claim chart comparing at least one set of claims (i.e., the set of claims constituted by claim 337 of the present application and claim 3 of the '196 patent) for each count, thereby satisfying requirement (C) of MPEP §2304.02(b) (i.e., providing a claim chart comparing at least one set of claims for each count).

In view of the foregoing, Applicants respectfully submit that no further showings are required in this regard at this time.

Finally, the November 19, 2008 Office Communication suggested that "Applicant failed to provide a claim chart showing the written description for each claim 323-334 in the applicant's specification." Applicants respectfully disagree. In Applicants' communication dated February 28, 2008, Applicants did not designate claims 323-334 as corresponding to the proposed count. Accordingly, there was no requirement to provide a claim chart showing the written description for

these claims. In any event, this request is now moot, as claims 323-334 have been canceled from the present application without prejudice or disclaimer.

CONCLUSION

If the Examiner and/or Interference Practice Specialist have any questions regarding this paper, they are invited to contact the undersigned at the number listed below.

No fee is believed to be required in connection with this paper. However, if there is a fee occasioned by this response, including an extension fee, please charge any deficiency to Deposit Account No. 141270.

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Respectfully submitted,

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